

REMARKS

Applicants thank the Examiner for the Examiner's careful review of the application.

Rejection of Claims 121, 126, 128-130, 131, 134, and 145 under 35 U.S.C. §102(e)

Independent claims 121 and 131 (and their dependent claims 126, 128-130, and 134 and 145, respectively) were rejected under 35 U.S.C. §102(e), as being anticipated by United States Patent No. 5,711,861 ("Ward").

According to the Office Action of July 24, 2002, Ward discloses each and every element of the independent claims, including a "transcutaneous electrochemical sensor" and a "sensor control unit adapted for placement on skin and adapted for receiving a portion of the transcutaneous electrochemical sensor." In fact, Ward fails to teach either of these elements, both of which are required by independent claims 121 and 131.

Ward teaches an apparatus for monitoring analytes. The apparatus taught by Ward includes a sensor and a transmitter. The sensor and transmitter are "implanted as a single unit in the patient." See col. 7, ll. 39-40.

Applicants' claimed invention (independent claims 121 and 131) requires a *transcutaneous* sensor, i.e., a sensor partially inserted beneath the surface of the skin and partially projecting outwardly from the patient's skin. Ward, on the other hand, teaches a sensor that is implanted entirely subcutaneously. See col. 12, ll. 27-30 ("... The preferred location is subcutaneous."). At no point does Ward disclose or suggest a transcutaneous sensor.

Applicants' claimed invention (independent claims 121 and 131) also requires a sensor control unit adapted for placement on skin. Ward discloses a system in which each and every element (other than the remotely located receiver and computer system that analyze the analyte information) is implanted beneath the skin. No portion of the system the system taught by Ward is "adapted for placement on skin." Further, nothing in Ward suggests such a modification.

Because Ward fails to disclose or suggest either a "transcutaneous electrochemical sensor" or a "sensor control unit adapted for placement on skin," as

required by each of independent claims 121 and 131, Ward cannot properly serve as a basis for the rejection of these claims under 35 U.S.C. §102(e). Accordingly, for the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 121, 126, 128-130, 131, 134, and 145.

Conclusion

Claims 146-176 are allowed. Applicants thank the Examiner. Claims 121-145 remain pending in the application. These claims are believed to be allowable for the reasons set forth above. This amendment is believed to be responsive to all points raised in the Office Action. Accordingly, Applicants respectfully request prompt reconsideration, allowance, and passage of the application to issue. Should the Examiner have any remaining questions or concerns, the Examiner is urged to contact the undersigned by telephone at the number below to expeditiously resolve such concerns.

Respectfully submitted,

MERCHANT & GOULD, P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

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By:

Nicholas P. Johns
Nicholas P. Johns
Reg. No. 48,995